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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/683,233	12/04/2001	Helmut Ponn	7574.102.PCUS00	8299
28694 7590 12/10/2007 NOVAK DRUCE + QUIGG LLP 1300 EYE STREET NW SUITE 1000 WEST TOWER WASHINGTON, DC 20005			EXAMINER LUGO, CARLOS	
			ART UNIT 3673	PAPER NUMBER
			MAIL DATE 12/10/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/683,233	PONN ET AL.	
	Examiner	Art Unit	
	Carlos Lugo	3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 and 19-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-17 is/are allowed.
- 6) ☒ Claim(s) 1-8 and 19-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 November 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to applicant's amendment filed on November 6, 2007.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. **Claims 1,5-7,19,21, and 25-27 rejected** under 35 U.S.C. 102(e) as being anticipated by US Pat No 6,092,845 to Koenig.

Regarding claims 1,5,7,19,21,25 and 27, Koenig discloses a vehicle lock device comprising a lock casing (28).

A cable sheath (90) is fixed in relation to the lock casing (at 86). A cable (94) is displaceable arranged in the cable sheath. An end of the cable is pointing towards the lock casing.

A cable seat (an end of 82 in contact with the cable 94) is operatively connected to a catch (50) and adjacent to the cable end and having a separation thereon.

The lock device also includes a rotary bolt (20) and an element (110) for acting upon the end of the cable.

The cable end is designed, by pushing down the other end of the cable, to be brought into engagement with the cable seat, closing the separation for actuation of the catch. The catch is used to disengage the rotary bolt in order to release a bolt (Col. 5 Lines 35-52).

The cable end is directed for engagement with the cable seat in the unlocked position and is directed to the side of the cable seat in the locked position (Col. 3 Line 59 to Col. 4 Line 9 and Lines 28-32).

Wherein the cable end, the cable seat, and the element for acting upon the cable end are mutually arranged such that 1) in the locked position of the lock device, the separation between the cable end and the cable seat is maintained (a space between the end of 82 and the end of 94); and 2) the unlocked position of the lock device is achieved by pushing the cable end into engagement with the cable seat by means of the element for acting upon the cable end, thereby eliminating the separation, and by further pushing the

cable end by means of the element for acting upon the cable end so as to displace the catch, thereby releasing the rotary bolt.

As to claims 6 and 26, Koenig discloses that the operating device (110) acts directly on the cable end

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 2-4,8,22-24 and 28 are rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 6,092,845 to Koenig in view of US Pat No 4,691,584 to Takaishi et al (Takaishi).

As to claims 2-4 and 22-24, Koenig fails to disclose that the element to act on the end of the cable is a mechanical, electrical device or that uses a memory metal. Koenig discloses that the element is a handle (110).

Takaishi teaches that is known in the art to have a mechanical or electrical device (electric motor 100) to act on the end of the cable (108).

Furthermore, the applicant admits that it will be obvious to one skilled in the art that the device can be one from the list of mechanical or electrical devices claimed.

As to claims 8 and 28, Takaishi teaches that a mechanical transmission system (inside 100) is between the operating device and the cable end pointing towards the lock casing (104).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have an operating device, as taught by Takaishi, into a lock device as described by Koenig, in order to change the operating device from manual to automatic

Allowable Subject Matter

6. **Claims 9-17 are allowed.**

Response to Arguments

7. Applicant's arguments filed on November 6, 2007 have been fully considered but they are not persuasive. Therefore, the current rejection IS MAINTAINED.

Further, the applicant is reminded that the shortened statutory period TO REPLY is set to expire **3 months** from the mailing of this communication. Further, the applicant can buy additional time (**see Office Action Summary**) so as to avoid an additional Notice of Abandon (since the examiner has issue 2 already).

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the

advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo whose telephone number is 571-272-7058. The examiner can normally be reached on 10-7pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Engle can be reached on 571-272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'CLG', is positioned above the printed name of the examiner.

Carlos Lugo
Primary Examiner
Art Unit 3673

November 29, 2007

APPROVED: /CL/

1/2

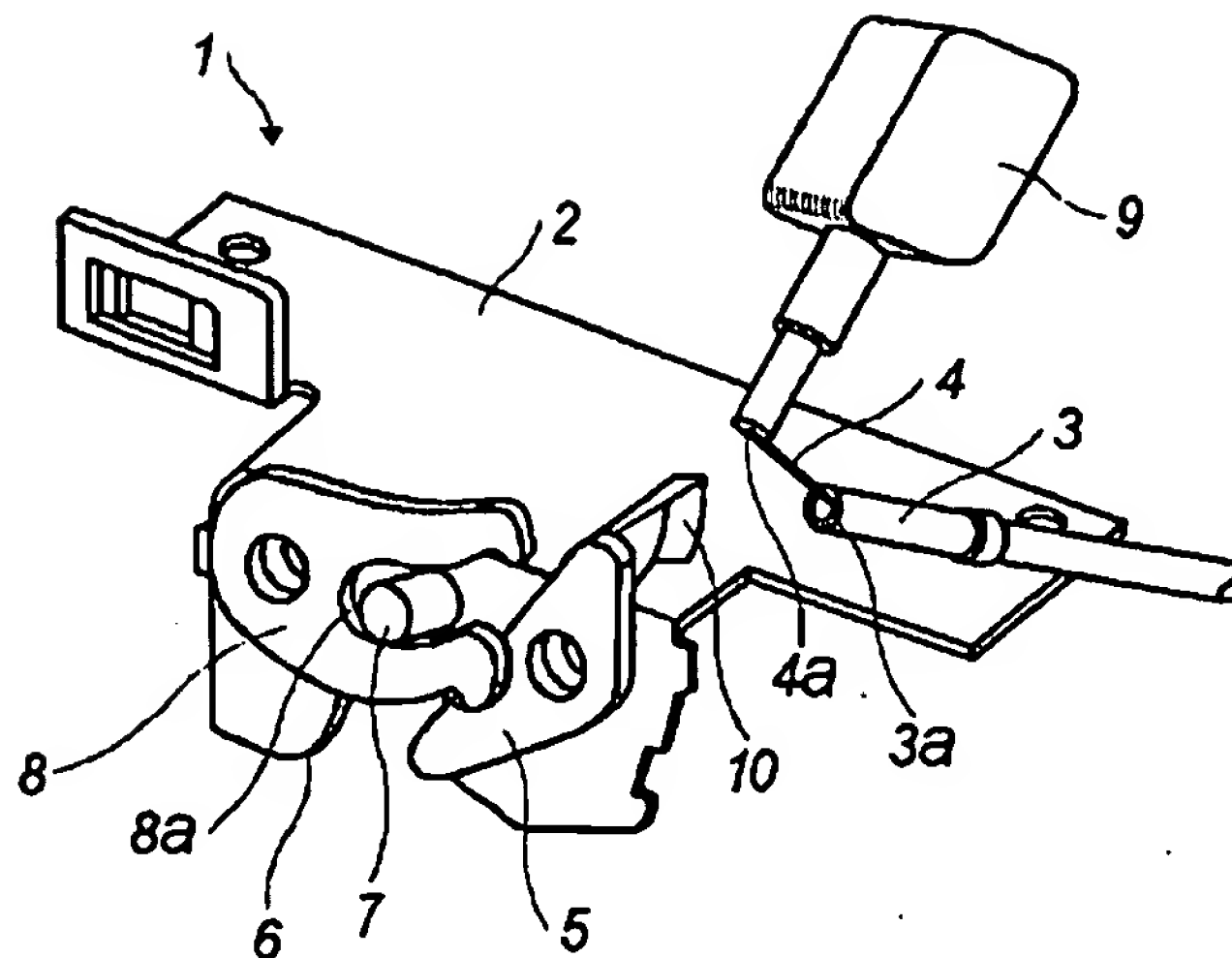


FIG. 1a

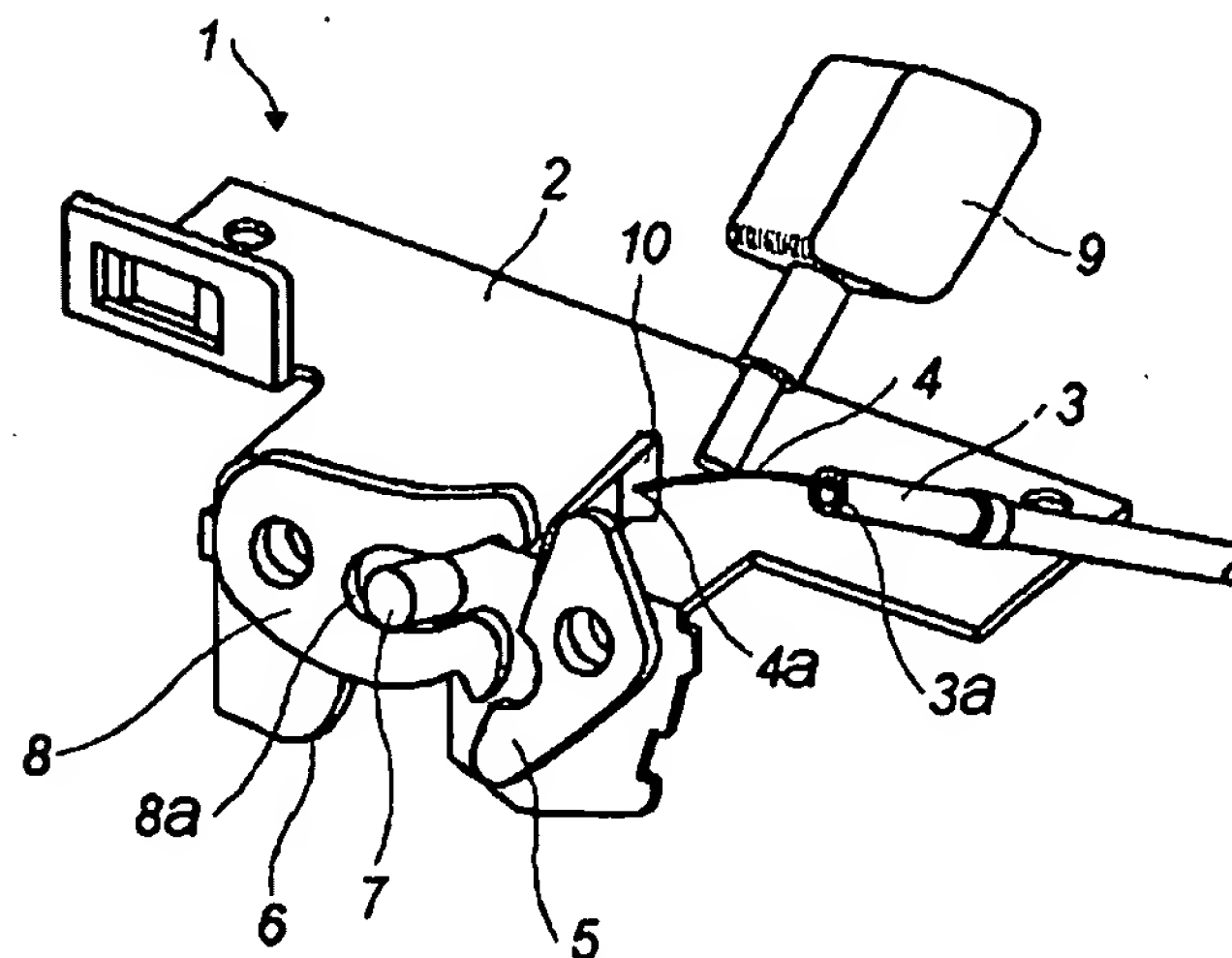


FIG. 1b

APPROVED: /CL/

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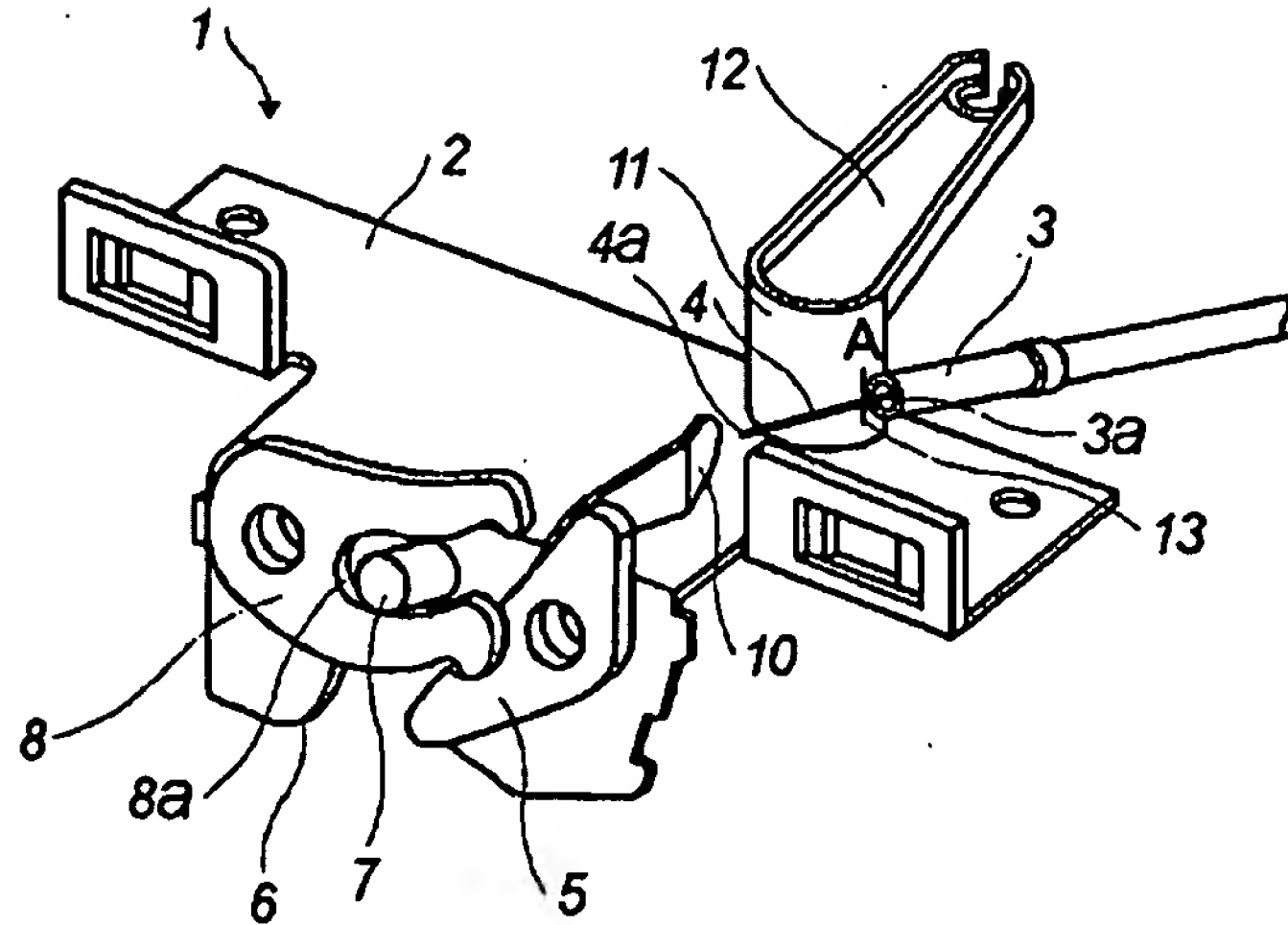


FIG. 2a

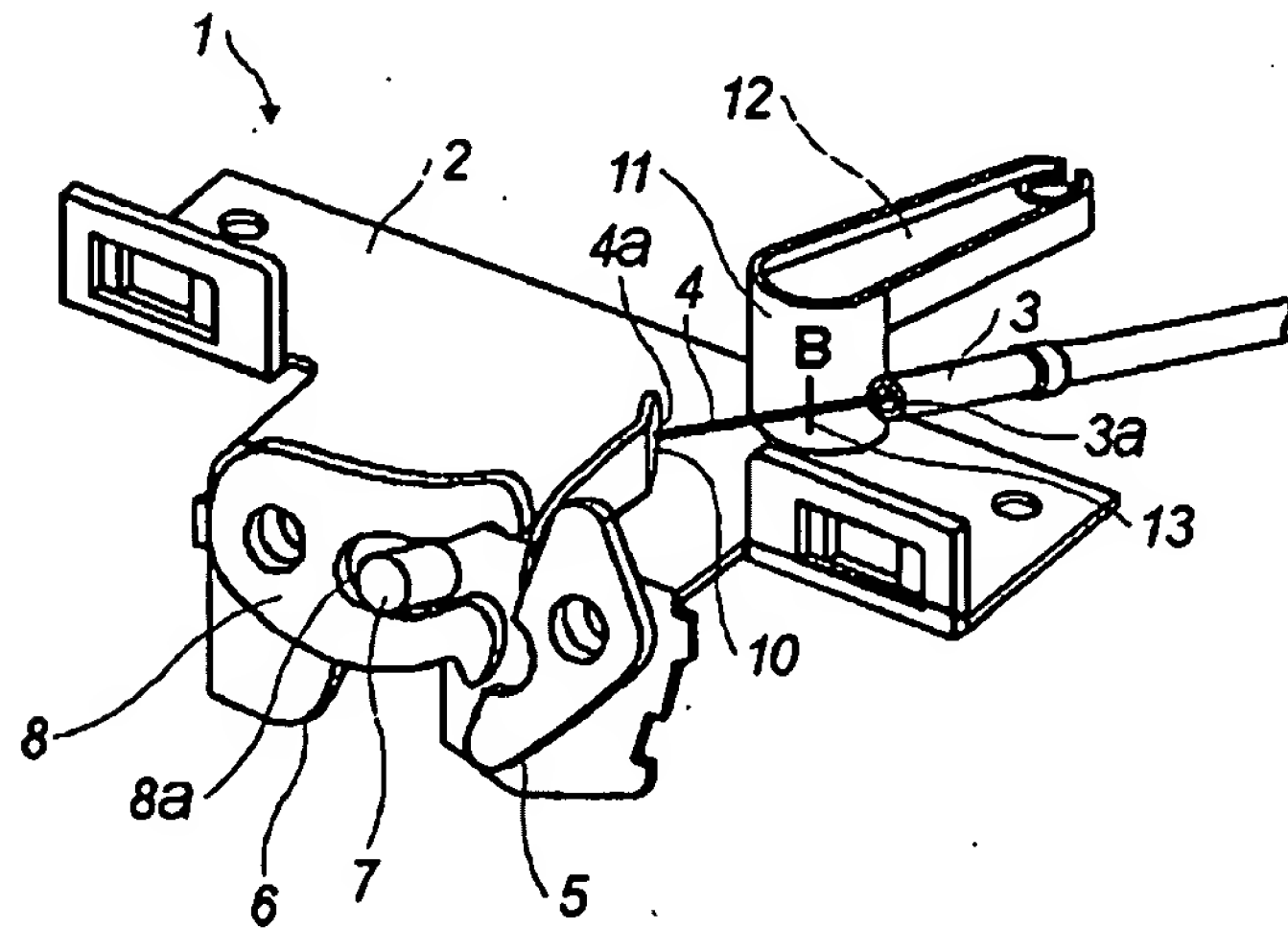


FIG. 2b